

**Sponsor:**

**Proponents:**

**Opponents:**

**Opening Statement by Sponsor:**

**Proponents' Testimony:**

**Opponents' Testimony:**

**Questions from Committee Members and Responses:**

**Closing by Sponsor:**

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **CHAIRMAN KARL WAITSCHIES**, on February 21, 2003  
at 3 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Karl Waitschies, Chairman (R)  
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Dave Gallik, Vice Chairman (D)  
Rep. Joe Balyeat (R)  
Rep. Bob Bergren (D)  
Rep. Ronald Devlin (R)  
Rep. George Golie (D)  
Rep. Jim Keane (D)  
Rep. Bernie Olson (R)  
Rep. Allen Rome (R)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Wilson (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Leanne Kurtz, Legislative Branch  
Pati O'Reilly, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: HB 696, 2/18/2003; HB 657,  
2/18/2003

Executive Action: HB 696, HB 463, HB 502 reconsidered  
and retabled

**HEARING ON HB 657**

**Sponsor:** REP. JOHN PARKER, HD 45

**Opening Statement by Sponsor:**

REP. PARKER introduced HB 657. This bill will allow persons with disabilities to obtain permanent license plates.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 3.7}*

**Proponents' Testimony:**

Mr. Rawlins is disabled and explained the reason for wanting a permanent one-time registration. Current law allows registration of a car eleven (11) years old to be permanently registered. However, disabled persons must have a medical review every three (3) years, so they are denied the right to a permanent license. County Treasurers are only allowing a disabled person to license his vehicle (no matter how old the car is) for two (2) years.

**Opponents' Testimony:**

Rhonda Carpenter, Montana County Treasurers Association, have some concerns that this bill will conflict with the Federal Handicap and Disabilities Act. The other major concern is that the current law requires a Physician Review every three (3) years for a full disability permit.

*{Tape: 1; Side: A; Approx. Time Counter: 3.7 - 6.7}*

**Informational Testimony:**

Dean Roberts, Administrator of Montana Motor Vehicle Division, explained how the agency came up with the \$60,000.00 fiscal note.

*{Tape: 1; Side: A; Approx. Time Counter: 6.7 - 10.5}*

**Questions from Committee Members and Responses:**

REPS. DEVLIN, BOOKOUT-REINICKE, GOLIE and OLSON questioned Dean Roberts and Rhonda Carpenter. Dean Roberts explained the procedure for obtaining a disability permit and the three-year medical review. Mr. Roberts cited the concern for abuse of the one-time registration.

*{Tape: 1; Side: A; Approx. Time Counter: 10.5 - 25.7}*

**Closing by Sponsor:**

**REP. PARKER** closed HB 657. He explained that his only intent with this bill is to offer disabled persons the same opportunities for registration as all other Montanans.

***{Tape: 1; Side: A; Approx. Time Counter: 25.7 - 27.1}***

**HEARING ON HB 696**

**Sponsor:** **REP. JILL COHENOUR, HD 51**

**Opening Statement by Sponsor:**

**REP. COHENOUR** introduced HB 696. The reason for this bill is to prevent deaths that are caused by driving on the shoulder of the highway. Current law does not define who has the right-of-way on the shoulder of the highway.

***{Tape: 1; Side: A; Approx. Time Counter: 27.1 - 30}***

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

**Jim Currie, Montana Department of Highways,** offered to answer questions. The Department is requesting an amendment to allow highway personnel to park on the shoulder.

***{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.4}***

**Questions from Committee Members and Responses:**

**REPS. GALLIK, KEANE, BALLYEAT, WAITSCHIES and OLSON** questioned **REP. COHENOUR**. They questioned the definition of shoulder and what current law says.

***{Tape: 1; Side: B; Approx. Time Counter: 3.4 - 12.7}***

**Closing by Sponsor:**

**REP. COHENOUR** closed HB 696.

***{Tape: 1; Side: B; Approx. Time Counter: 12.7 - 14}***

EXECUTIVE ACTION ON HB 696

Motion/Vote: REP. KEANE moved that HB 696 DO PASS.

Substitute Motion/Vote: REP. DEVLIN made a substitute motion that HB 69 BE TABLED. Substitute motion carried 9-4 with REPS. BERGREN, GALLIK, SMITH, and WILSON voting no.

*{Tape: 1; Side: B; Approx. Time Counter: 14 - 15}*

EXECUTIVE ACTION ON HB 502

Motion/Vote: REP. BERGREN moved that HB 502 BE RECONSIDERED. Motion carried 7-6 with REPS. BALLYEAT, DEVLIN, KEANE, OLSON, WAITSCHIES, and WILSON voting no by roll call vote.

EXHIBIT(trh39a01)

EXHIBIT(trh39a02)

*{Tape: 1; Side: B; Approx. Time Counter: 15 - 16.4}*

Motion/Vote: REP. BERGREN moved that HB 502 BE AMENDED. Motion failed 6-7 with REPS. BERGREN, BOOKOUT-REINICKE, GALLIK, GOLIE, OLSON, and SMITH voting aye by roll call vote.

*{Tape: 1; Side: B; Approx. Time Counter: 23.8 - 30}*

Motion/Vote: REP. BALLYEAT moved that THE VOTE BE REVERSED AND HB 502 BE TABLED. Reversed motion carried 7-6.

(HB 502 previously tabled on February 17, 2003.)

*{Tape: 2; Side: A; Approx. Time Counter: 0 - 10.4}*

EXECUTIVE ACTION ON HB 463

Motion/Vote: REP. GALLIK moved that HB 463 DO PASS. Motion carried 7-6 with REPS. BALLYEAT, DEVLIN, OLSON, ROME, STEINBEISSER, and WAITSCHIES voting no by roll call vote.

*{Tape: 2; Side: A; Approx. Time Counter: 10.4 - 16.5}*

**ADJOURNMENT**

Adjournment: 4:45 P.M.

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REP. KARL WAITSCHIES, Chairman

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PATI O'REILLY, Secretary

KW/PO

**EXHIBIT** (trh39aad)